

REMARKS

The Examiner requests that Figure 2 be labeled as Prior Art, and objects to the specification in relation to the Brief Description of the Drawings section not identifying Figures 3A and 3B separately. It is respectfully submitted that the enclosed amendment obviates these issues. Accordingly, it is respectfully requested that the objections be withdrawn.

Claims 1-8 stand rejected under 35 U.S.C. § 102 as being anticipated by Ochi et al.. Claim 1 is independent. This rejection is respectfully traversed for the following reasons.

As a preliminary matter, in imposing a rejection under 35 U.S.C. §102, the Examiner is required to point to "page and line" wherein an applied reference is perceived to identically disclose each feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). In this regard, turning to the pending rejection, the Examiner does not appear to identify which element of Ochi et al. allegedly discloses the claimed "display control unit." Indeed, Ochi et al. does not appear to disclose or suggest "a display control unit for outputting a display control signal according to the output signal" as recited in claim 1.

As can be best understood, by interpreting the signal transmitted from the output terminal 10 of Ochi et al. (*see* col. 4, lines 61-65) as the claimed "output signal" (*see* page 3, lines 7-8 of outstanding Office Action), the Examiner is apparently interpreting the selecting unit 4 of Ochi et al. as the claimed "display control unit." However, the selecting unit 4 of Ochi et al. does not output a "display control signal." Rather, the selecting unit 4 is simply a switch whose output is merely the selected video/audio signal as opposed to a control signal. Indeed, according to one

aspect of present invention, it can be possible to notify the user as to when data can be viewed while the user is viewing a broadcast, which is unrelated to the selection process for the conventional video/audio signal disclosed by Ochi et al..

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Ochi et al. does not anticipate claim 1, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

For example, new claim 9 recites "a display unit for displaying the result of judging in the determining unit according to the display control signal." Ochi et al. appears to be completely silent as to such a display unit, let alone suggest displaying according to the alleged display control signal which, as indicated above, is merely the selected video/audio signal rather than a control signal. Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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